

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

GREG STEVEN MEYER,

Plaintiff,

v.

**CAROLYN W. COLVIN, Commissioner
of the Social Security Administration,**

Defendant.

**AMENDED MEMORANDUM DECISION
& ORDER**

Case No. 2:12-cv-01059

Magistrate Judge Dustin Pead

On January 22, 2014, the Court issued a Memorandum Decision and Order (Order) granting Plaintiff Greg Steven Meyer's (Plaintiff) Motion For Attorney Fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d) (doc. 26). In its Order, the Court required that said fees be paid to Plaintiff within thirty (30) days of the Order's issuance. Id. Thereafter, on January 27, 2014, the Commissioner filed its currently pending "Motion To Alter Or Amend" seeking an amendment of that portion of the Court's Order requiring that attorney fees be paid within thirty (30) days (doc. 27). The Commissioner indicates that Plaintiff does not oppose its requested amendment. Id.

Upon consideration, the Court hereby **GRANTS** the Commissioner's "Motion To Alter or Amend" (doc. 27). While acknowledging that the EAJA does not specify a time period within which attorney fees are to be paid, the Commissioner requests that the Court allow for the designated sixty (60) day period after entry of judgment in order to assess its litigation position and pursue an appeal if necessary. *See* Fed. R. App. P. 4(a)(1)(B) ("The notice of appeal may be

filed by any party within 60 days after entry of the judgment or order appealed from if one of the parties is: (ii) a United States agency”).

Consistent therewith, the Court hereby **AMENDS** its prior Order such that the Commissioner is ordered to pay Plaintiff an EAJA attorney fee award of \$7095.71, payable directly to Plaintiff, not to his counsel, “within the ordinary course of business, after the award has become final” (doc. 27).

IT IS SO ORDERED.

DATED this 28th day of January, 2014.

BY THE COURT:



Dustin Pead
U.S. Federal Magistrate Judge